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IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
) Criminal Case No.  
-vs- )  
) 2:17-cr-20595-VAR  
YOUSEF MOHAMMAD RAMADAN, )  
)  
Defendant. )

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MOTION HEARING  
BEFORE THE HONORABLE VICTORIA A. ROBERTS  
UNITED STATES DISTRICT JUDGE  
Virtual Hearing Via Zoom - Friday, January 15, 2021

APPEARANCES:

FOR THE GOVERNMENT: HANK MOON, ESQ. and  
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ALSO PRESENT: Rania Hijazeen, Arabic Interpreter  
Kody Bellamy, Pretrial Services  
Patricia Trevino, Pretrial Services  
Essence Patterson, Judicial Law Clerk  
Linda Vertriest, Case Manager

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1 Friday, January 15, 2021

2 10:34 a.m.

3 -- --- --

4 THE CLERK OF THE COURT: The United States District  
5 Court for the Eastern District of Michigan is now in session.  
6 The Honorable Victoria A. Roberts presiding. Calling the case  
7 United States of America versus Yousef Ramadan, case number  
8 17-20595.

9 MR. MOON: Good morning, Your Honor. Hank Moon on  
10 behalf of the United States.

11 THE COURT: Good morning.

12 MR. SALZENSTEIN: And Doug Salzenstein on behalf of  
13 the United States, Your Honor.

14 THE COURT: Good morning.

15 MR. DENSEMO: Good morning, Your Honor. Andrew  
16 Densemo on behalf of Yousef Ramadan.

17 THE COURT: Good morning.

18 MR. DENSEMO: Good morning.

19 THE COURT: And Mr. Ramadan, we have an interpreter,  
20 Ms. -- I'm sorry. How do you say your name?

21 THE INTERPRETER: Your Honor, Rania Hijazeen.

22 THE COURT: Hijazeen, thank you very much. And we'll  
23 swear you in.

24 THE CLERK OF THE COURT: Ms. Hijazeen, can you raise  
25 your right hand?

1 Do you solemnly swear or affirm that you will  
2 translate the questions and the answers put to this defendant  
3 to the best of your ability?

4 THE INTERPRETER: Yes, I do.

5 THE COURT: All right. Thank you.

6 And we also have present our court reporter, Darlene  
7 May. Thank you. Kody Bellamy and Patty Trevino and one of my  
8 law clerks, Essence Patterson.

9 All right. There are a few things on this agenda this  
10 morning for this hearing that we are going to talk about.  
11 Whether Mr. Ramadan is going to plea and, if so, what would be  
12 the terms of that. There's issues concerning access at Milan  
13 by counsel and Milan's response to that that I would like to  
14 get on the record, and there's a motion for bond that  
15 Mr. Densemo has made for his client.

16 For starters, Mr. Salzenstein, you in one of your  
17 E-mails said that we were doing a lot of E-mail communications  
18 and everything needed to be on the record. I don't know that I  
19 agree with that, but everything has been -- there haven't been  
20 any ex-parte communications. But I invite you to put on the  
21 record and to file anything and everything that you think need  
22 to be filed formally as part of the record. All right?

23 MR. SALZENSTEIN: Thank you, Your Honor. I agree. It  
24 was just a precaution, I think, for the future to schedule a  
25 hearing. And I appreciate that, Your Honor, scheduling this

1 hearing today.

2 THE COURT: All right. Can someone update me first on  
3 the likelihood of a plea here?

4 MR. DENSEMO: Your Honor, I don't think that we can  
5 give the Court an update on that. Two days ago I received an  
6 E-mail from Mr. Moon and Mr. Salzenstein that there was a  
7 possibility of a conditional plea. I then sent an E-mail to  
8 Mr. Ramadan advising him that there had been an opening in  
9 terms of the possibility of a conditional plea and I have not  
10 had any conversations with Mr. Moon or Ms. Salzenstein about  
11 what that conditional plea would look like.

12 Mr. Ramadan said that he is interested in seeing what  
13 a conditional plea might look like. So we are open to those  
14 kinds of discussions, but we haven't had any formal discussions  
15 regarding what the parameters of that plea agreement would be.  
16 So at this point in time, Your Honor, we can say that we intend  
17 to pursue that option or look into it, but that's about all  
18 that I can say about that at this point.

19 THE COURT: Okay. All right. Thank you.

20 And Mr. Moon, Mr. Salzenstein, do you have anything  
21 more on that? You did indicate, yes, you're open to a  
22 conditional plea. Do you have anything more on that right now?

23 MR. MOON: Nothing further at this point, Your Honor.  
24 From talking with Your Honor -- and the Court, we've offered  
25 the conditional plea to appeal the suppression issue and are

1 waiting for Mr. Densemo to let us know what --

2 THE INTERPRETER: Your Honor?

3 THE COURT: Wait. Wait, Mr. Moon.

4 THE INTERPRETER: The interpreter apologizes and asks  
5 the Court to go a little bit slower, if you please. Mr. Moon  
6 spoke a little bit too fast and there was sound issues for the  
7 interpreter.

8 THE COURT: All right. Thank you.

9 So, Mr. Moon, can you start over and slow down.

10 MR. MOON: My apologies. As Your Honor indicated, the  
11 government received permission for a conditional plea to allow  
12 Mr. Ramadan to appeal the suppression issues, which is our  
13 understanding of what he would like to appeal. And we, as  
14 Mr. Densemo said, have heard nothing back on that and are happy  
15 to engage in those conversations.

16 THE COURT: Are you waiting to hear from Mr. Densemo  
17 or are you waiting to hear from someone else with the  
18 government?

19 MR. MOON: From Mr. Densemo, Your Honor.

20 THE COURT: And he sounds like he's waiting to hear  
21 from you. So where's the breakdown here?

22 MR. MOON: In our E-mail, we indicated that we would  
23 offer Mr. Ramadan a conditional plea to appeal the suppression  
24 issue if he's interested, to let us know if he's interested and  
25 we will work out all the terms, and we never heard back.

1 MR. DENSEMO: Your Honor, obviously, I've been -- I've  
2 had some communications with Mr. Ramadan over the phone, but  
3 those have been of a limited nature. And they are unmonitored,  
4 which is one of the things that we'll get into in the detention  
5 hearing.

6 THE COURT: You said and they have been monitored?

7 MR. DENSEMO: There was one unmonitored phone call and  
8 that was initiated with the assistance of the U.S. Attorney's  
9 office and that is the phone call wherein I indicated to  
10 Mr. Ramadan that the government indicated that there was a  
11 conditional plea. That they were willing to a conditional  
12 plea.

13 But, obviously, we did not have the time or the  
14 facilities to go into -- to have a lengthy, meaningful  
15 conversation about that. The government assumes that the only  
16 issue that Mr. Ramadan is interested in appealing is the  
17 suppression issue. That is an incorrect assumption, I believe.  
18 I believe that there are other issues that were raised during  
19 the course of these proceedings that Mr. Ramadan would probably  
20 be interested in appealing as well. So I would have to talk to  
21 Mr. Ramadan and find out exactly what other issues he'd be  
22 interested in appealing and then get back with the government  
23 to see if they had any objections to an appeal on those issues.  
24 So there's still more work to be done.

25 THE COURT: All right. So I just want to make sure on

1 who is waiting on who. It sounds like the ball is in your  
2 court, Mr. Densemo, to have a discussion with your client and  
3 then to get back with Mr. Moon.

4 MR. DENSEMO: That's correct, Your Honor. I agree  
5 with that.

6 THE COURT: All right. And you want to have an  
7 unmonitored call or a visit?

8 MR. DENSEMO: I would like my client released and that  
9 would obviate any need for a monitored call or for a visit at  
10 the detention center.

11 THE COURT: Okay.

12 MR. DENSEMO: We could have unfettered access to one  
13 another and have a real meeting between attorney and client.

14 THE COURT: All right. Can we spend a little bit of  
15 time talking about these phone calls? Because it's a broader  
16 issue than this case that I would like to follow up on after we  
17 have done -- are done with this.

18 Mr. Moon, your information from the warden is that  
19 unmonitored phone calls are scheduled whenever attorneys  
20 request them; is that true?

21 MR. MOON: Yes, Your Honor. And in a follow-up, I got  
22 some numbers from the court. In -- as the court indicated, in  
23 December there were 32 legal or unmonitored calls and 15 legal  
24 or unmonitored visits. And that was, obviously, during the  
25 COVID outbreak, for 47 in December.



1           Thus far in January, there have been nine legal visits  
2 and 47 legal calls. With an additional 17 legal calls  
3 scheduled between now and January 22nd. In total, Your Honor,  
4 that's 120 legal calls or visits in the last six to seven  
5 weeks.

6           I know Mr. Ramadan (sic) has had both a legal call and  
7 a legal visit, that I'm aware of, with his client. We've  
8 provided the discovery log as well as Mr. Ramadan's request in  
9 2020 for legal calls. There were, I believe, five in March.  
10 All were granted. According to Milan, the only instance where  
11 Mr. Densemo requested a call or visit and was denied was on  
12 December 8th, 2020 when Mr. Ramadan was in isolation for  
13 testing positive.

14           You know, finally, I would say there seems to be some  
15 confusion over what is a recorded call and what isn't. Inmates  
16 are only allowed to place two types of calls. Regular calls  
17 that they generally make to their families. Of course, they  
18 can also call their attorney this way. But any of those calls  
19 starts with a very clear disclaimer that the call is monitored.  
20 And, in fact, the other end or recipient of that call has to  
21 hit a button to accept those terms before starting the call.

22           The only other option are legal calls, which are  
23 always unmonitored. So the only way that Mr. Densemo could  
24 have been on an unmonitored call is if he or someone in his  
25 office that answered the call acknowledged that it was

1 monitored and proceeded anyway.

2 I'm happy to go into further details on the discovery  
3 issues or call logs. Again, I've provided those. Mr. Ramadan  
4 has reviewed his discovery 80 times since he's been  
5 incarcerated totaling hundreds of hours. He was offered a  
6 chance to review his discovery on December 29th and declined.

7 He reviewed it for three hours and 45 minutes on  
8 November 24th and the logs indicated that there are no requests  
9 of Mr. Ramadan to make a call or view his discovery that was  
10 denied.

11 THE COURT: All right. Any response to that,  
12 Mr. Densemoo?

13 MR. DENSEMOO: Yes, Your Honor. I just began using  
14 monitored phone calls. And this was at the insistence of  
15 Mr. Ramadan who advised me that our calls were being monitored.  
16 Now, Mr. Moon is correct that there is a recorded voice that  
17 tells you at the beginning of the call that the calls may be  
18 monitored. And I typically in the past have indicated that  
19 this is an attorney/client phone call and the call should not  
20 be monitored to advise the official that what they are  
21 listening to is a privileged communication.

22 THE COURT: May I just interrupt for a moment? So are  
23 there magic words that have to be said? You said it's a  
24 recording, Mr. Moon. What has to be said in order to make sure  
25 that the call does not get monitored?

1 MR. MOON: Well, again, I think there's some confusion  
2 over monitoring. The call is recorded automatically by a  
3 computer system. In terms of monitoring, we have never  
4 requested, at least to my knowledge, Mr. Ramadan's recorded  
5 phone calls. Certainly since I have been on the case in the  
6 last year and, to my knowledge, nobody has listened to them.

7 So by monitored I mean they are recorded by a computer  
8 system. That is different from listened to or reviewed -- and,  
9 again, I can't speak for Milan. I don't represent them. But  
10 certainly for Mr. Salzenstein, myself, the agents investigating  
11 this case, we have not obtained Mr. Ramadan's phone calls. At  
12 least in the last year since I have been active on the case.

13 THE COURT: So, Mr. Moon, for me to be clear, is  
14 everything, then, recorded, even monitored and unmonitored?  
15 What gets recorded?

16 MR. MOON: The nonlegal calls get recorded.

17 THE COURT: Okay.

18 MR. MOON: So when an inmate wants to call out from  
19 the facility -- I believe during COVID they have 500 minutes in  
20 a month. They go to the kind of open phone banks and they make  
21 a monitored calls. Whenever an attorney or the inmate requests  
22 a call with his attorney, they go to a separate room to an  
23 unrecorded, unmonitored line. And, of course, the government  
24 never has access to those nor are they recorded.

25 You know, Mr. Densemo can state what he would like at

1 the beginning of a computer recorded phone call, but the  
2 computer is going to record that phone call regardless of what  
3 he says.

4 THE COURT: Okay. All right.

5 Just to be clear, Mr. Densemo, I'm sure you know there  
6 is a separate bank of phones that are to be used by your  
7 client?

8 MR. DENSEMO: I know that now, Your Honor.

9 THE COURT: You didn't know it before. All right.

10 So, Mr. Moon, when a lawyer -- okay. A separate bank  
11 of phones for an inmate to go to to make a legal call. When a  
12 lawyer wants to call in on a legal call, how does that happen?

13 MR. MOON: The attorney can contact the facility. And  
14 there's a legal guide that was just updated in January of this  
15 year. He can call the case managers for Mr. Ramadan and they  
16 will facilitate and set up that call. So it goes either way.  
17 Either Mr. Ramadan can request of his case handlers or  
18 Mr. Densemo can call or E-mail and request a call or visit that  
19 way.

20 MR. DENSEMO: Your Honor, that sounds good in theory,  
21 but that's not what happens in practice. Mr. Ramadan has  
22 requested monitored phone calls. They have gone -- they have  
23 been ignored. I have sent E-mails to counsel -- to the  
24 counselor at the facility and there are sometimes I haven't  
25 even gotten a response from these counselors. I've had to ask

1 my legal assistants if they will contact the counselors because  
2 the counselors seem hesitant or unwilling to return my E-mails.

3 And this has been done for both visits -- for visits  
4 for days other than Mr. Ramadan's visits on Fridays and Sundays  
5 and for unmonitored phone calls. So in theory all of this  
6 sounds very good, but it doesn't work that way in practice.  
7 And not only for me, but there are other attorneys in my office  
8 who are having the same experience and attorneys in private  
9 practice are having the same experience.

10 These counselors are inundated with work. And getting  
11 to -- responding to requests for an unmonitored phone call  
12 sometimes goes unanswered, oftentimes goes unanswered. I've  
13 gotten very frustrated with counselors not returning an E-mail.  
14 Not responding to my requests to see and meet with my clients.  
15 Not only Mr. Ramadan, but there are other clients at Milan as  
16 well.

17 So what the facility is telling the U.S. Attorney's  
18 Office and the Court, it is the same thing. I had no problem  
19 getting an unmonitored phone call with Mr. Ramadan when the  
20 U.S. Attorney's Office was involved or when the probation  
21 department and pretrial services is involved. Once these  
22 individuals at the facility see that there is someone looking  
23 at how they are conducting their business, then all of a sudden  
24 they're sufficient. But if there are no eyes on them, then  
25 they don't operate in the same way.

1           Now, as to the representations about my contact with  
2 Mr. Ramadan in December, I attempted to see Mr. Ramadan at the  
3 beginning of December and was turned away because there was a  
4 hundred -- the west unit had been shut down because a hundred  
5 inmates had tested positive.

6           Then, a week later, we received two E-mails. No  
7 visits. No contact. Nothing. No phone calls. So these  
8 representations about access are false. There was no contact  
9 in December with inmates at Milan. And I can send the U.S.  
10 Attorney's Office and the Court the E-mails saying you cannot  
11 call your client, you cannot see your client and they can't  
12 call or see you or anyone else for that matter. We have an  
13 outbreak here. There's no one in. No one out.

14           So these representations that the BOP is giving the  
15 government, that sounds good. I didn't see that in operation.

16           MR. MOON: Your Honor, may I respond just very  
17 briefly?

18           THE COURT: Just give me one moment, Mr. Moon. So in  
19 our E-mail communications, Mr. Densmo, I did ask that you go  
20 back to your office. I think you had already told the Court  
21 about a contact that Mr. Minock had tried to make --

22           MR. DENSEMO: That's right.

23           THE COURT: -- that was not successful. And I've  
24 asked that in order to follow up on this, because it's not  
25 going to be resolved in this hearing. I think that there is an

1 important issue of access being raised that should be examined.  
2 But I think that the attempts that you're talking about that  
3 people have made where they have been denied, they need to be  
4 documented. And so, what about that?

5 MR. DENSEMO: I've asked -- I've talked to Mr. Leon  
6 Parker who expressed similar concerns or similar situations  
7 that he's had. Rafael Villaruel has indicated that he was  
8 going to contact the Court as well. I believe there may have  
9 been one or two other attorneys in my office who indicated that  
10 they were going to contact the Court. If they haven't, I will  
11 urge them to immediately contact the Court with their  
12 experiences regarding access at Milan. But I did have  
13 conversations with Mr. Villaruel and Mr. Parker regarding this  
14 issue.

15 THE COURT: Okay. So Mr. Densemo, can I ask that this  
16 be a little more formal and rather than I get an E-mail or call  
17 from someone --

18 MR. DENSEMO: Absolutely.

19 THE COURT: -- could your office capture everything  
20 and send it out together?

21 MR. DENSEMO: I will talk to Mr. Carter, the head of  
22 our office, Your Honor, and ask him to formalize a letter to  
23 the Court with instances where we have had difficulty obtaining  
24 access with our client.

25 THE COURT: All right. Thank you.

1           Mr. Moon, yes?

2           MR. MOON: Two points, Your Honor. First, in regards  
3 to global access at Milan, you know, that is clearly beyond  
4 this case. Not that it's not an important issue.

5           THE COURT: Right.

6           MR. MOON: I don't represent Milan and I certainly  
7 don't speak for our office. I've tried to provide the  
8 information that I can, you know, about the 120 calls and  
9 visits. But beyond that, I don't have much authority there and  
10 I would somehow request that that -- if it's a larger issue, be  
11 raised as a larger issue.

12          THE COURT: Yes. What's your second point?

13          MR. MOON: To Mr. Ramadan in particular, Your Honor, I  
14 provided the discovery logs and his requests. The court -- or  
15 the facility writes down every time he's requested a legal  
16 call. The Court monitors his discovery on an individual basis.  
17 And it isn't the first time that Mr. Ramadan has made these  
18 claims.

19               In August of 2019 in front of Judge Battani,  
20 Mr. Ramadan claimed that he was denied access to his discovery  
21 for two or three months. But if you look at the discovery log,  
22 he had access to his discovery 14 times in that three-month  
23 period, totaling 75 hours worth of access. So Mr. Ramadan  
24 keeps making these claims that are provably false, that are  
25 demonstratively false.



1           You know, you have seen them yourself with his health  
2 issues. And every time he makes these claims, the government  
3 spends hours running them down. It's not just those issues.  
4 He's claimed that he was beaten before. He's claimed that he's  
5 had money and gold jewelry stolen from him. He lied about his  
6 escape paraphernalia. In every one of these issues, the  
7 government is left to prove a negative and we do so and we  
8 present that evidence with nothing that we can argue about.

9           Again, we haven't seen a single E-mail or phone call  
10 that went unanswered or a single incident of Mr. Ramadan being  
11 denied access to anything.

12           MR. DENSEMO: Well, I'm telling you he's been denied  
13 access and I'm not lying to you. I'm telling you there have  
14 been instances where I haven't had access to him and I couldn't  
15 see him and weeks have gone by that we haven't talked and I  
16 haven't gotten a phone call or an E-mail from him. So I'm  
17 telling that you that there have been access issues and that he  
18 has constantly complained to me about being unable to review  
19 his discovery or being moved out of the discovery room because  
20 he had to go to the bathroom and being told, well, since you  
21 left the discovery room, you are no longer able to review your  
22 discovery. Simply because he had to go and use the bathroom or  
23 because he was hungry or some other excuse that the BOP made to  
24 get him out of the discovery room and move another inmate in.

25           There are 300 inmates at that facility all wanting to

1 use two or three computers. And so there is this rush for all  
2 of these inmates to try and get in and help themselves on their  
3 cases as much as they can. There have been times when  
4 Mr. Ramadan asked for access to the discovery and was told it  
5 was unavailable or he couldn't get in because other people were  
6 there.

7 This whole issue of Mr. Ramadan is lying and you can't  
8 trust him, well, I'm telling that you I have had problems with  
9 access to my client on several occasions and I'm not lying to  
10 you.

11 THE COURT: Okay. I agree with you, Mr. Moon, that  
12 these access issues are broader than Mr. Ramadan and that's why  
13 I've asked Mr. Densemo to go back to his office and have  
14 Mr. Carter document the complaints that Mr. Densemo has in the  
15 Ramadan case as well as the complaints that other officers of  
16 the court say that they have had with access. So I think we  
17 can move on.

18 But once I get that and deal with it within our court,  
19 whom from the U.S. Attorney's Office or Bureau of Prisons,  
20 Milan, should we be in touch with?

21 MR. DENSEMO: Well, apparently, it appears to be  
22 Mr. -- I'm sorry.

23 THE COURT: No. No. I'm talking to Mr. Moon or  
24 Mr. Salzenstein.

25 MR. DENSEMO: All right.

1 THE COURT: Mr. Moon, are you frozen? Are you there?

2 MR. MOON: I'm sorry. I was frozen there for a  
3 moment. I heard once I get that whom. I'm assuming you're  
4 asking whom in my office would you contact?

5 THE COURT: Yes, exactly. Yes.

6 MR. MOON: I would recommend contacting the criminal  
7 chief, Mark Chutkow.

8 THE COURT: Okay.

9 MR. MOON: He's aware of these issues through this  
10 case and I think he or the deputy, Ben Coats, would be in the  
11 best position to address those.

12 THE COURT: Okay. All right, then. Thank you.

13 Maybe, Mr. Moon, if I could just ask you, if  
14 Mr. Chutkow is already aware, then, perhaps he's already aware  
15 of the information you have provided to me through the E-mails  
16 and so can you make sure that he has all of that to bring him  
17 current and then we will move outside of the realm of this case  
18 and try to address the access issues.

19 MR. MOON: Yes, Your Honor.

20 THE COURT: All right. Thank you.

21 All right. So we've talked about the plea. We know  
22 the plan there. We've talked about Milan.

23 I did ask -- there wasn't ...

24 Mr. Densem, your client has his hand up.

25 MR. DENSEMO: Yes. I saw that, Your Honor. I think

1 he wants to address the Court.

2 THE COURT: Do you want him to address the Court?

3 MR. DENSEMO: I think he wants to talk about the  
4 conditions at Milan, Your Honor.

5 THE COURT: All right. I don't know that I want to do  
6 that, generally.

7 Mr. Ramadan, I'm not prepared to do that right now.  
8 So let me move on with what we have here to address as part of  
9 this hearing.

10 When we were on the telephone conference last time  
11 there was a -- we did talk about guideline calculations. I did  
12 ask Kody Bellamy to take a look at those calculations in  
13 addition to what had been done by Mr. Moon and done by  
14 Mr. Densemo. I know this agreement between Mr. Moon and  
15 Mr. Densemo on what those calculations should be, but the  
16 preliminary calculations that I got back from Mr. Bellamy were  
17 an offense level of 24, criminal history category of one and  
18 guideline range of 51 to 63 months.

19 Is that correct, Mr. Bellamy? Thumbs up?

20 PRETRIAL SERVICES REPRESENTATIVE: Yes, Your Honor.  
21 That's correct.

22 THE COURT: All right. Thank you. I just wanted to  
23 share that with you, counsel.

24 All right. Is there anything more before we talk  
25 about the motion for bond?

1 MR. DENSEMO: No, Your Honor.

2 THE COURT: Mr. Moon, do you have anything else?

3 MR. MOON: Your Honor, before I close that last issue,  
4 I just wanted to let Your Honor know that Milan did indicate  
5 that they would provide the Court twice weekly updates on the  
6 conditions at Milan. Again, those won't go through me. They  
7 should go directly from Milan to the Court.

8 THE COURT: Yeah.

9 MR. MOON: But I'm happy to provide contact  
10 information there. I was also told to share that there are  
11 currently zero COVID cases among inmates at the detention  
12 center and that's all the knowledge I have on that issue.

13 THE COURT: All right. Thank you. We were getting  
14 weekly reports from Milan. They were going to David Weaver.  
15 He was sharing them with all the judges and then they just  
16 stopped. But that information was very helpful as we were  
17 handling these COVID cases coming out of Milan And I'm glad  
18 that it's going to resume. I know that our new court  
19 administrator Ms. Essix has been in touch with someone at Milan  
20 and I'm glad they're going to resume.

21 MR. DENSEMO: Your Honor, if I may, I know the Court  
22 wants to move on, but I'd like Mr. Ramadan to respond to that  
23 very last statement made by Mr. Moon in that there are zero  
24 cases at the detention center. I would like to find out if  
25 that's his understanding.

1 I mean, he's -- Mr. Ramadan is in the unit with these  
2 individuals. He can see who is being isolated and who is  
3 testing positive. So I would just like to get -- have him  
4 respond to that because I don't know.

5 THE COURT: I'll give your client a few moments, but I  
6 don't want to spend a lot of time on that.

7 MR. DENSEMO: I understand, Judge.

8 THE DEFENDANT: I will thank everybody to schedule  
9 this hearing first and to give me the time. And, actually, you  
10 know, we still have COVID cases here and there's still  
11 isolation. I think at least in the west unit here, you know,  
12 they have -- they move the individual to a different area. And  
13 if you want, I can call the health service right now. She's in  
14 front of the door. I can call her to the door about this.

15 MR. DENSEMO: You just tell the judge what you know  
16 about COVID cases in your unit?

17 THE DEFENDANT: Okay. So currently we just finished  
18 the lockdown for the COVID. And we have, I believe, zero cases  
19 in that unit.

20 But I would like to address that phone call -- I mean,  
21 the phone calls and about the attorney phone calls. All the  
22 numbers that Mr. Moon he was talking about in December, this  
23 only has been in the east side and not the west side. Because  
24 the west was locked down. No phone calls coming out. Nobody  
25 come here.

1           THE COURT: Okay, Mr. Ramadan, I don't want to be  
2       rude, but I don't want to go back to the phone call issue, I  
3       think Mr. Densemo has sufficiently addressed it. I don't have  
4       all the information that is necessary to go back to the other  
5       judges and see if there is anything that we want to do at the  
6       bench, but that's how I'm leaving it right now.

7           I have enough information on your case and I would now  
8       like to move to the motion for bond. And I would like to hear  
9       from Mr. Densemo. Thank you.

10          MR. DENSEMO: Thank you.

11          THE DEFENDANT: Okay.

12          MR. DENSEMO: Your Honor, before I do that, what  
13       Mr. Ramadan said was pretty interesting. If, in fact, the data  
14       that Mr. Moon quoted was data from one unit, the east unit and  
15       not the west unit, then the BOP is deliberately providing the  
16       U.S. attorney and the courts false information. So that should  
17       be looked into. I think that is pretty serious.

18          Because the government has relied and indicated to the  
19       Court that there is access and here are the numbers. But if  
20       the numbers are coming from the east unit which was open and  
21       not the west unit, that's deceptive and deliberately  
22       misleading.

23          Now, as to the bond, Your Honor.

24          THE COURT: Mr. Ramadan, can you put your mute on?

25          THE DEFENDANT: (Complies.)

1 THE COURT: Thank you.

2 MR. DENSEMO: Shall I proceed, Your Honor?

3 THE COURT: Yes, please.

4 MR. DENSEMO: By our calculations Mr. Ramadan has  
5 probably served the time he would have been required to serve  
6 if he had been sentenced to around five years.

7 With the addition of sentencing credits and halfway  
8 house or home confinement, Mr. Ramadan has served more than the  
9 time he would have been required to serve given the additional  
10 sentencing credits built into the First Step Act. Eighty-five  
11 percent of a 57-month sentence, which in this case would be a  
12 midpoint of the guidelines, is 48 months. Six months halfway  
13 house or home confinement placement would mean that Mr. Ramadan  
14 would be released from custody next month or possibly this  
15 month.

16 Each additional month Mr. Ramadan spends in custody  
17 means that he may be serving a longer prison sentence under the  
18 most dire circumstances than the law requires.

19 THE COURT: Mr. Densemo, may I just interrupt you one  
20 moment? I just want to make sure.

21 Mr. Moon, you continue to oppose this motion for bond?

22 MR. MOON: Yes, Your Honor. That's correct.

23 THE COURT: Okay. All right. Go ahead,  
24 Mr. Densemo.

25 MR. DENSEMO: And what if Mr. Ramadan's acquitted at



1 trial? All the time he's spent in custody can't be returned to  
2 him. All the special events in our lives that we often take  
3 for granted will continue to pass him by as he languishes in  
4 custody waiting for the court's reopening and wondering where  
5 in the long line of individuals waiting for trial will he be  
6 placed. Some may adopt a position that he's guilty anyway. So  
7 let him sit there until next year if need be. I know that is  
8 not the view of this Honorable Court.

9 Punishment has already been meted out. Our message to  
10 the community has already been sent. If spending nearly four  
11 years in prison and contracting a deadly virus doesn't deter  
12 criminal conduct, little else will. Not being with your family  
13 and being deprived of a normal life for nearly four years truly  
14 insensitives law abiding conduct. If Mr. Ramadan were released  
15 today and never served another day in prison, it would be hard  
16 to argue that he had not already received a great deal of  
17 punishment for any unlawful conduct. The question becomes how  
18 much more punishment does he deserve.

19 In *United States versus Spano* at 476 F.3d 476, a  
20 Seventh Circuit case, the court held that conditions of  
21 confinement is a valid 3553(a) consideration. Recognizing that  
22 sentencing judges can take into account the harshness of prison  
23 conditions when assessing the severity of the sentence.

24 In the *United States versus Indarte*, 17-5554, Westlaw  
25 6060299 from the Western District of Washington. It's a 2020

1 case. The court held that: "The factors relating to the need  
2 for just punishment has dramatically shifted and that lockdown  
3 measures have made confinement much more punitive than was  
4 contemplated."

5 In *United States versus Noriega*, the court stated  
6 that: "Segregated confinement is a more difficult type of  
7 confinement than in general populations. For some, the  
8 consequences of such depravation can be serious."

9 Consider also that the government has for the past  
10 41 months consistently advised Mr. Ramadan that he will also  
11 face prosecution in the state of California for citizenship  
12 fraud. If this threat is carried out, Mr. Ramadan will be  
13 incarcerated for another year or more and enduring the same  
14 depravations -- sickness and diseased surroundings.

15 For an entire month or more, Mr. Ramadan has had no or  
16 very limited access to his attorney, legal materials or law  
17 library, because of the spread of the coronavirus in the  
18 detention center he was exposed to and contracted the virus.  
19 In addition to the lockdown that was already in place, he was  
20 subjected to a 10 to 14-day quarantine where he had even less  
21 access to anything or anyone than he had before.

22 Even now, unmonitored phone calls are not easily set  
23 up. Monitored phone calls are, obviously, not private and are  
24 a short duration. Attorney visits have supposedly resumed but  
25 at what cost to defense counsel and the family and community

1 the attorneys return to. No one was advised that Mr. Ramadan  
2 had tested positive. As a result, I met with Mr. Ramadan  
3 unaware of the risk to my health in doing so. Mr. Ramadan  
4 would not have been retested if not for court intervention.

5 The government has argued that Milan and BOP  
6 facilities are safe since the beginning of the pandemic. This  
7 was and continues to be false prophesy. The expansive threat  
8 of the coronavirus within federal, state and local prisons  
9 proves that the virus goes wherever people are gathered  
10 including and especially in close --

11 THE INTERPRETER: Your Honor, the interpreter requests  
12 Mr. Densemo go a little bit slower, if you mind.

13 MR. DENSEMO: I'm sorry. I will.

14 THE INTERPRETER: Thank you.

15 THE COURT: Thank you.

16 MR. DENSEMO: There's no BOP exemption for the  
17 coronavirus. The effects of the virus within the BOP has been  
18 the severe limitation of access of inmates to their attorneys  
19 and families because of safety protocols and recurring  
20 lockdowns. This has given the government even more of an  
21 advantage in the prosecution of pretrial detainees than they  
22 had before.

23 Studies have shown that pretrial detainees are more  
24 likely to be convicted and receive higher sentences on average  
25 than defendants on pretrial release who are charged with the

1 same offenses with similar criminal history.

2 Mr. Ramadan has been chastised by BOP officials for  
3 bringing the lack of contact between he and I to the Court's  
4 attention via this bail proceeding. He feels reprisals may be  
5 forthcoming. The government will likely brush this off as  
6 prison paranoia of Mr. Ramadan's untrustworthiness in reporting  
7 on these matters. Despite the skepticism, Mr. Ramadan is truly  
8 afraid that should this bond motion fail and he is left in the  
9 custody of the detention center, a reason will be found to  
10 place him in the special housing unit where he will be isolated  
11 and have even less access to his attorney, legal materials and  
12 law library.

13 Mr. Ramadan is not a career or armed career criminal.  
14 He does not have a felony conviction. Mr. Ramadan has never  
15 been incarcerated in his life from being -- was never  
16 incarcerated in his life before being charged in this case.  
17 Mr. Ramadan doesn't even have a misdemeanor crime of violence.  
18 He doesn't have a history of missed court appointments, traffic  
19 warrants, probation or parole violations. He doesn't have a  
20 history of substance abuse. He doesn't have any DUI offenses.  
21 No domestic violence offenses. He doesn't have any connections  
22 or associations with gangs or organized crime.

23 He has a 10 to 15-year history of employment. He is  
24 married with four children. He has strong ties to the  
25 community and after three and a half years there's no evidence

1 that he has ever done anything to jeopardize the safety of U.S.  
2 citizens through acts of support of anti-government groups or  
3 organizations.

4 Mr. Ramadan's name and religion didn't justify his  
5 detention in 2017 and they still do not support his detention  
6 41 months later. The government's stated reasons for detaining  
7 Mr. Ramadan have all expired. They do not have an  
8 indeterminate shelf life. The prosecution has argued against  
9 Mr. Ramadan's pretrial release using a set of factors  
10 antithetical to the mandates of Bail Reform Act. The nature of  
11 the offense and the history and characteristics of the  
12 individual have become subordinate to suspicion and  
13 speculation.

14 There once was a man named Arif Nagi, Arif, A-r-i-f.  
15 Nagi, N-a-g-i. And Arif Nagi was the lead defendant in a  
16 91-defendant case, United States versus the Highway Motorcycle  
17 Club or motorcycle gang. Mr. Nagi filed three bond motions in  
18 his case. He was held in custody approximately 36 months. He  
19 finally filed an interlocutory appeal.

20 In his appeal, the Sixth Circuit said Mr. Nagi argues  
21 that he presented sufficient evidence to rebut the presumption.  
22 The Court of Appeals says we do not agree. The presumption  
23 does not banish simply because the defendant comes forward with  
24 evidence to rebut it where the presumption to banish given too  
25 little deference to congress's finding regarding this class.

1           The court found, however, that Mr. Nagi should be  
2 released because he had spent too much time in custody in  
3 pretrial detention. The court says a period of pretrial  
4 detention as long as Nagi weighs in favor of finding a due  
5 process violation, but it's not dispositive. The second  
6 factor, the extent of the prosecution's responsibility for  
7 delay also weighs in Nagi's favor.

8           The government must bear some responsibility for the  
9 more than two-year delay between Nagi's arrest and the  
10 superseding indictment. The charges against Nagi are serious,  
11 but they do not include the even more serious conspiracy to  
12 commit murder charges that some of Nagi's co-defendants face.  
13 Some of whom remain free on bond and none of whom have spent  
14 anywhere close to a three plus year --

15           THE INTERPRETER: Your Honor, the interpreter requests  
16 Mr. Densemo go a little bit slower. The camera is away from  
17 his mouth so the interpreter is not even able to see -- to read  
18 the pronunciation of what is happening and it's very difficult  
19 to go this long with the sound issues on the mic.

20           So the interpreter is just asking, please, the court,  
21 to just go a little bit slower so she is able -- so the  
22 interpreter is able to give an accurate interpretation.

23           THE COURT: Thank you.

24           Mr. Densemo, can you address your -- adjust your  
25 camera so that she can maybe be aided by reading lips where

1 necessary.

2 MR. DENSEMO: Okay. That's fine, Your Honor.

3 Mr. Nagi was eventually -- was -- the court ruled in  
4 Mr. Nagi's favor that the three year period of detention that  
5 he had been in was a due process violation. Mr. Nagi -- the  
6 case was sent back. Judge Edmunds released Mr. Nagi on bond.  
7 Two years later Mr. Nagi was sentenced.

8 Mr. Nagi, Your Honor, was sentenced to 340 months on  
9 Count One; 324 months on Count Two; 10 years concurrent -- five  
10 years concurrent on Count 16; 324 months concurrent on Count  
11 19; 10 years consecutive on Count 31.

12 Mr. Ramadan isn't facing anywhere near that kind of  
13 time. Despite the fact that Mr. Nagi was looking at a  
14 substantial period of incarceration, the Court of Appeals says  
15 three years in custody is too long.

16 There is no end in sight for this case. The Court is  
17 not responsible and cannot control the court reopening. We are  
18 all waiting for some relief in terms of this pandemic. But we  
19 don't know when Mr. Ramadan's case is going to be set for  
20 trial. No one knows. We don't know when the court is going to  
21 reopen, Your Honor. So conceivably, this case can stretch into  
22 the end of this year or possibly into next year.

23 Are we going to continue to allow use of Mr. Ramadan  
24 to remain in custody for another six months to a year? For  
25 another month?

1           As I indicated, Your Honor, this is a presumption case  
2 in favor of Mr. Ramadan. You have a man with a misdemeanor  
3 conviction for a -- receiving Social Security benefits. In any  
4 other circumstance, Mr. Ramadan would have been released. This  
5 is the only client that I have ever represented in 30 years who  
6 has been in custody this long for this kind of offense with the  
7 background that Mr. Ramadan has. It is mind boggling to me  
8 that this client is still in custody. He should not be.

9           Every measure that has ever been utilized says that  
10 Mr. Ramadan should be released. He should have been released a  
11 long time ago. And if the reasons that the government  
12 proffered in 2017 were viable then, they're not viable now.  
13 That was four years ago, Your Honor. How long are we going to  
14 let the government get away with using the same tired  
15 rationale? Are we going to allow this rationale to continue  
16 into next year and into the following year?

17           The Sixth Circuit said in Mr. Nagi's case enough is  
18 enough. Despite the violence of the highwaymen, despite the  
19 violence charged in the indictment, despite the violence  
20 associated with Mr. Nagi or alleged against Mr. Nagi, enough is  
21 enough. Long enough is long enough and you have to release  
22 him.

23           If you put all of that together, Your Honor, with the  
24 time that he's been in custody and the problems that  
25 Mr. Ramadan and I are having and other defense attorneys and



1 their clients are having with an inmate participating in their  
2 defense, having access to their lawyer, receiving the effective  
3 assistance of counsel, Mr. Nagi -- I'm sorry. Mr. Ramadan must  
4 be released today, Your Honor. As the Sixth Circuit indicated  
5 there's -- due process requires his release.

6 Thank you, Your Honor.

7 THE COURT: Thank you.

8 Mr. Moon, response?

9 MR. MOON: Yes, Your Honor. Preliminarily, obviously,  
10 the detention facility was not going to disclose Mr. Ramadan's  
11 sensitive medical history to anyone outside of Mr. Ramadan and  
12 that would include his attorney. Mr. Ramadan knew that he  
13 tested positive and he could have shared that with Mr. Densemo  
14 at any point. But I don't think anybody's asking the prison  
15 officials, the Bureau of Prisons, to share medical information  
16 outside a patient without their request.

17 As for his due process argument, this is the first  
18 time he's made that argument. It's not in either of his  
19 earlier motions --

20 MR. DENSEMO: That's not true. Mr. Moon, I beg to  
21 differ. It is. I said in my motion enough is enough and he's  
22 been incarcerated long enough. So this is no surprise to you.

23 MR. MOON: Mr. Densemo, I'm speaking.

24 THE COURT: All right. Excuse me. So Mr. Densemo,  
25 you'll have an opportunity to respond, but please don't

1 interrupt. Thank you.

2 MR. DENSEMO: All right.

3 MR. MOON: He did not cite the due process clause or  
4 this *Nagi* case. And we're left with the facts here. And the  
5 first, obviously, Mr. Ramadan, Mr. Densemo, the Court and the  
6 government is concerned with the time that Mr. Ramadan has  
7 spent in prison. But there's two aspects to that. The first  
8 are, A, his guidelines, and B, what he will be sentenced to.

9 We don't know what his guidelines are. The government  
10 believes they will be higher or will push for them to be  
11 higher. And even if they aren't, given the facts of this case,  
12 the government will ask for a sentence above 41 months. So we  
13 don't know what the Court will do in that regard.

14 And second, contrary to the *Nagi* case, we have to look  
15 at the delay here. Mr. Densemo keeps saying that this is a  
16 four-year delay and that's -- first, it's 40 months to be fully  
17 accurate. But even then, the overwhelming majority of that  
18 delay is on Mr. Ramadan. Mr. Ramadan kept pushing his trial  
19 date. As I mentioned, in December of 2019 Mr. Densemo filed a  
20 bond motion -- or filed a motion asking to push the trial date  
21 once again. That was two years after he had been arrested on  
22 these charges. He claimed that he didn't have access to his  
23 discovery at that time. But as the discovery logs have shown,  
24 he viewed his discovery for 75 hours in the three months prior  
25 to that motion. Those allegations simply aren't true. And the

1 government opposed that request and asked Judge Battani to set  
2 this or to keep the trial date in 2019, which would have  
3 mitigated this entire issue. Judge Battani, I believe over her  
4 better judgment, decided to give Mr. Densemo the extra time and  
5 that brought us into COVID time.

6 And certainly these are difficult times. They are  
7 times that are beyond our control, but they don't obviate or  
8 they don't require Mr. Ramadan's release.

9 As we pointed out in our motion, Mr. Densemo has not  
10 actually cited any grounds for either reopening this hearing or  
11 for the defendant's release. If you look at 3142(f), that  
12 requires new information material to Mr. Ramadan's either risk  
13 of flight or detention as Your Honor already found in this case  
14 last year. He provided nothing on that.

15 The other issue is 3142(i), temporary detention. And  
16 this issue was already decided upon by the Sixth Circuit in  
17 this very case in which they held, quote, temporary release is  
18 not warranted when a defendant has had ample time to prepare  
19 his defense even given the practical limitations on his access  
20 to telephones and the attorney conference room, end quote.

21 Again, that's the Sixth Circuit in this case. The  
22 government has provided evidence that Mr. Ramadan has reviewed  
23 his discovery for hundreds of hours. And there's no evidence  
24 in this record besides the brief period in December when  
25 Mr. Ramadan was in quarantine and the facility was admittedly

1 slowed down, shut at times, that he's ever been denied access  
2 to discovery or his counsel.

3           So really we're left with Mr. Ramadan's pleas that he  
4 should be out of jail because he served 40 months. And, again,  
5 that neither applies to any support in the law, but also  
6 completely ignores the danger and flight risk that Mr. Ramadan  
7 poses that Mr. Densemo simply ignores. The thousand ISIS  
8 images and videos that were found on his person. The export  
9 control items he tried to take out of the United States and  
10 tactical gear, body armor, TASERS, knives, clips, a gas mask,  
11 the stolen firearm that Mr. Ramadan himself stole, the two  
12 firearms with obliterated serial numbers.

13           The homemade silencer that Mr. Ramadan filmed himself  
14 shooting out the window of an apartment complex, his making  
15 homemade pipe bombs, the storage locker full of weapons, all  
16 completely ignored by Mr. Ramadan. We talk about his flight  
17 risk. His family is not in the United States and Mr. Ramadan  
18 is a dual citizen and there's no reason to believe he wouldn't  
19 leave if he had a chance. He was caught with escape gear in  
20 his cell at Milan. And when asked about it, gave two different  
21 stories to two different judges, including yourself, Your  
22 Honor.

23           Finally, his repeated lies to the Court have to be  
24 taken into consideration. At every opportunity he has misled  
25 this Court and there's no reason to believe that would change

1 should he be released on bond. The government working with  
2 defense counsel has done everything we could. We offered a  
3 bench trial, as the Court is well aware, to Mr. Ramadan and he  
4 responded he would only take that if we granted him bond and  
5 provided copies of the grand jury transcript, which is  
6 statutory -- restricted by Rule 60 and Sixth Circuit case law.

7 He asked for a conditional plea which the government  
8 took through its supervision chain all the way to D.C., gained  
9 approval for and at which point now he's not interested in.

10 The fact of the matter is, it's not the government  
11 that is delaying this case. Mr. Ramadan is responsible for the  
12 overwhelming majority of the delay here and the rest is due to  
13 COVID, which is unfortunate. But Mr. Ramadan has already had  
14 COVID and now has those antibodies and there are zero pending  
15 cases in the detention center.

16 So, you know, first, there are no grounds under 3142  
17 to open this hearing. But even if they were, he is a danger  
18 and a flight risk and the government will maintain that  
19 position until this case resolved. However Mr. Ramadan chooses  
20 to resolve it. Thank you.

21 THE COURT: All right. Thank you.

22 Do you have any rebuttal, Mr. Densemose?

23 MR. DENSEMO: Yes, Your Honor. The government forgets  
24 that Mr. Ramadan's attorneys -- not Mr. Ramadan. Mr. Ramadan's  
25 attorney filed a motion because the government -- not these two

1 U.S. attorneys. But the prior U.S. attorneys were playing fast  
2 and loose with discovery and we had to make repeated discovery  
3 requests. With every discovery request we made, we received  
4 new discovery. Discovery that the U. S attorney's office said  
5 wasn't there.

6 So the idea that Mr. Ramadan and his attorneys were  
7 just filing motions because we had nothing better to do is  
8 mistaken. We filed these discovery motions because we had to.  
9 Because the U.S. Attorney's Office, the prior U.S. attorneys  
10 weren't complying with their discovery obligations.  
11 Mr. Salzenstein and Mr. Moon have. And maybe if they were the  
12 attorneys at the beginning of the case, the case would have  
13 been resolved a lot quicker. But because we had the attorneys  
14 on the case that we had at the beginning, there were a lot of  
15 problems and it was heavily litigated and it had to be heavily  
16 litigated. So those motions that were filed were filed by  
17 Mr. Ramadan's attorneys because they needed to be filed.

18 Also, the government wanted the deposition testimony  
19 of Phillip Prader (ph). They filed a motion to have  
20 Mr. Prader's testimony in deposition form. That required -- we  
21 objected to that. The government -- Judge Battani ruled in the  
22 government's favor. We then had to go to California to take  
23 the deposition of Mr. Prader. Obviously, that took a lot of  
24 time as well.

25 We asked for a conditional plea early on in these

1 proceedings. We were denied. We didn't even get -- it wasn't  
2 even considered. A conditional plea has only been offered  
3 within the last 30 days or the last -- to be honest with you,  
4 within the last two weeks.

5 Now as to this issue about a bench trial, Mr. Ramadan  
6 initiated those conversations. I initiated those conversations  
7 about whether or not a bench trial in this case would make  
8 sense. Not the government. It wasn't the government saying,  
9 hey, Mr. Ramadan, how about a bench trial and he said, well, no  
10 I'll do a bench trial in exchange for this.

11 My point is, Your Honor, the government wants to put  
12 all of this on Mr. Ramadan as if somehow he's responsible for  
13 COVID and for his lawyers being lawyers and doing what they  
14 need to do. Mr. Ramadan is not responsible for all of this  
15 delay. He has litigated this case with the assistance of his  
16 attorneys in the way that it needed to be litigated.

17 The suppression issue is a very important issue and  
18 one that is still evolving. That took a great deal of time to  
19 research that and to file the motions and to have the hearing  
20 and for Judge Battani to issue a ruling.

21 There's discovery in this case, Your Honor, on at  
22 least four different devices. One of them is an eight terabyte  
23 hard drive filled to capacity. And there is discovery on other  
24 external hard drives as well. That information had to be  
25 downloaded which took weeks to download from the devices that

1 the U.S. Attorney's Office had on to our external hard drive  
2 and then we had to make arrangements to get those devices into  
3 the prison.

4 So the idea that Mr. Ramadan has wasted all of these  
5 times, Your Honor, is a false notion. That's not true. That's  
6 not true at all. So to say that he's responsible for all these  
7 delays is an unfair statement to place on him. But then, Your  
8 Honor, if you look at this case and you take away the ISIS,  
9 there's no basis to detain Mr. Ramadan.

10 And Mr. Hank -- I'm sorry. Mr. Moon brings that up  
11 and it's unfortunate that he brings up that because we were  
12 going so well in terms of this hearing without that having to  
13 be introduced. But I think that is in the background of all of  
14 this, that Mr. Ramadan is being blamed for ISIS. Despite the  
15 fact that -- as I indicated in my motion, despite the fact that  
16 Mr. Ramadan had said I don't believe in violence. I don't  
17 believe in the violence that that group engages in. I believe  
18 in some religious tenets.

19 Nobody ever says anything about that. No one has ever  
20 said Mr. Ramadan said I don't believe in the violence that that  
21 group engages in. And then you couple that with the fact that  
22 Mr. Ramadan has never engaged in any violence that supports  
23 what any group that is counter to this country. And it's a  
24 shame that we have to continually talk about this instead of  
25 talking about normal bail reform issues. Well, if we talk



1 about normal bail reform issues -- I mean, bail factors,  
2 Mr. Ramadan wins, Judge. He wins hands down because you pretty  
3 much check every box in his favor.

4 He hits every box -- employment, lack of criminal  
5 history, presumption in his favor, nonviolent offenses, family  
6 ties. All of those things you check in Mr. Ramadan's box. And  
7 as I indicated, Judge, it just boggles my mind why he is still  
8 in custody. And he should be released, Your Honor, and we're  
9 asking that he be released today.

10 THE COURT: Okay. Thank you.

11 Linda -- excuse me one moment.

12 What time is my next hearing is it 11:30 or 12:00?

13 THE CLERK OF THE COURT: Let me check the calendar,  
14 Judge.

15 THE COURT: Just give me one moment, everyone.

16 (Momentary pause.)

17 THE COURT: All right. It's at 1:00. I thought it  
18 was sooner than that. I'm fine, then.

19 All right. I'm prepared to rule on this motion for  
20 bond.

21 Under the Bail Reform Act detention is allowed under  
22 these circumstances: Where there is a presumption in favor of  
23 release only if there is no condition or combination of  
24 conditions that will reasonably assure appearance and safety of  
25 the community. It is the burden of the defendant to show that

1 he is not a flight risk or a danger to the community. And in  
2 making that determination, the Court is required to take into  
3 account on the nature of charges, whether there was a weapon  
4 involved, the weight of the evidence, the history and  
5 characteristics of the defendant, the nature and seriousness of  
6 danger. And then it is the government's burden to prove by  
7 clear and convincing evidence that no condition can ensure the  
8 safety of the community and to demonstrate by a preponderance  
9 of evidence that no condition can reasonably assure the  
10 appearance of the defendant.

11 The bail determination in this case was denied 40  
12 months ago and there is a record that has been made that  
13 certainly was justifiable at the time and justified the  
14 detention of Mr. Ramadan. And I don't need to make a record  
15 again of those determinations that were made by the Court.

16 But in addition to the Bail Reform Act, the Court has  
17 available to it a couple of other provisions of the law that it  
18 can take into account if it is reconsidering that issue of  
19 bail. One is 3142(g). It says, "In addition, a bail hearing  
20 can be reopened before or after determination by the judicial  
21 officer at any time before trial if the judicial officer finds  
22 that information exists that was not known to the movant at the  
23 time of the hearing and that has a material bearing on the  
24 issue whether there are conditions of release that will  
25 reasonably assure the appearance of such person as required and

1 the safety of any other person in the community."

2 And the Court also has available to it 3142(f) which  
3 says: "The Court may permit the temporary release of an inmate  
4 in the custody of the United States Marshal or another  
5 appropriate --"

6 AUTOMATED VOICE: Your meeting has ended.

7 (At 11:45 a.m., defendant video disconnected.)

8 THE COURT: How do we get him back?

9 THE INTERPRETER: Yes, Your Honor, the interpreter is  
10 still on the jail on a cell phone.

11 THE CLERK OF THE COURT: Can you ask is the -- can you  
12 ask them to reconnect the video?

13 THE INTERPRETER: He has already requested.

14 (At 11:49 a.m., defendant's video reconnected.)

15 THE COURT: I believe his call concluded when I was  
16 about to talk about the provision of 3142(f) which allows a  
17 bail hearing to be reopened as well.

18 MR. DENSEMO: Yup.

19 THE COURT: And that statute says: "The Court may  
20 permit the temporary release of an inmate in the custody of the  
21 United States Marshal or another appropriate person to the  
22 extent that the Court determines such release to be necessary  
23 for preparation of the person's defense or for another  
24 compelling reason."

25 And the Court finds it appropriate to reopen the bail

1 determination in this case under both of those provisions. So  
2 that is the bail law. I think that there's some overriding  
3 principles, considerations that come into play in this decision  
4 as well. One, is the presumption of innocence. And because  
5 pretrial detainees are presumed innocent, they are entitled to  
6 more considerate treatment and conditions of confinement than  
7 criminals whose conditions of confinement are designed to  
8 punish. The Supreme Court said that in *Youngberg versus Romeo*,  
9 457 U.S. 307,322 a 1982 case.

10 Another overriding principle and consideration have  
11 been touched on by Mr. Densemo here and that has to do with  
12 potential due process clause violations. And some courts have  
13 held that extended pretrial detention can violate the due  
14 process clause. Mr. Densemo cited us to one.

15 Another, *United States versus Millan*, M-i-l-l-a-n,  
16 4 F.3d 1038, a Second Circuit case, 1993 and that court held,  
17 "When detention becomes excessively prolonged, it may no longer  
18 be reasonable in relation to the regulatory goals of detention  
19 in which event a violation of due process occurs."

20 The Fifth Amendment due process clause right against  
21 pretrial punishment is an omnipresent consideration in criminal  
22 cases. The Court held in *Bell versus Wolfish*, 441 U.S. 520,  
23 1979, "The determination whether these restrictions and  
24 practices constitute punishment in the constitutional sense  
25 depends on whether they are rationally related to a legitimate,

1 nonpunitive governmental purpose and whether they appear  
2 excessive in relation to that purpose."

3           So those are some over -- that's the law. Some  
4 overriding principles that this Court has certainly been  
5 thinking about. The Ramadan case has weighed very heavily on  
6 me. As Mr. Densemo pointed out, I don't think in 20 years I've  
7 had a case quite like this where a person was in pretrial  
8 detention for this long, particularly, where he was approaching  
9 the -- certainly has approached the lowest guideline point and  
10 with other considerations, good time considerations, being  
11 thrown in perhaps has exceeded the amount of time that he would  
12 serve if the Court were to sentence him.

13           So although COVID-19 is a recent and evolving  
14 development, courts addressing similar applications have  
15 allowed that COVID-19 in conjunction with other factors  
16 particular to a defendant may constitute an emergency  
17 warranting relief under the Bail Reform Act for that defendant.

18           That is to say the COVID-19 pandemic is not by itself  
19 a basis for release of a pretrial detainee for which the Court  
20 has already held a detention hearing and ordered the defendant  
21 detained. Instead, the paramount consideration under sections  
22 3142(g) and (i) that I just cited to continues to be the  
23 individual circumstances of the particular pretrial detainee.  
24 And that was held recently in several cases out of the District  
25 of Maryland, United States versus Filbro (ph) and another case.

1 And I'm not sure what district court that came out of.

2 So in the end, a defendant is not entitled to  
3 temporary release under Section 3142 based solely on  
4 generalized COVID-19 fears and speculation. Rather, the Court  
5 must make an individual determination as to whether the  
6 COVID-19 concerns present such a compelling reason in a  
7 particular case that temporary release becomes necessary.

8 In this motion that has been filed for bail there are  
9 three basic reasons given: The increase in COVID cases at  
10 Milan, the lack of access to counsel that Mr. Ramadan says he  
11 has not had and the fact that he is a pretrial detainee.

12 With respect to the number of cases at Milan, I know  
13 that the statistics that we have now are that there's zero  
14 cases. We had statistics that have waxed and waned since  
15 March. They were low over the course of the summer. It seems  
16 like in December they became quite high and there was a general  
17 lockdown. And that only goes to how fluid this pandemic is and  
18 how unpredictable it is. And while it may not be the fault of  
19 anybody on this call, it does effect the basic rights that this  
20 Court outlined before. Particularly, where we are talking  
21 about a -- where we are talking about a pretrial detainee.

22 So I do think -- this Court does find that there are  
23 compelling reasons under 3142(f) for the release of Mr. Ramadan  
24 and the Court believes that some of these compelling reasons  
25 are also information that was not known to this Court when the

1 original bail hearing was held. And those things include that  
2 Mr. Ramadan has now, in fact, contracted COVID. He has  
3 fortunately survived it. But I think that the jury is still  
4 out on whether and how people can contract COVID all over  
5 again.

6 Mr. Moon, you said now he's got antibodies developed,  
7 but that's not entirely true. I mean, we don't know and we  
8 don't know about the risk of reinfection. The CDC has talked  
9 about the probability of transmission of potent dangerous  
10 organisms and that has increased by the crowded conditions in  
11 places and places like Milan. And so maybe it is relief to  
12 Mr. Ramadan that he's already contracted COVID, but we really  
13 don't know about the risk of reinfection.

14 So the question becomes would he have gotten COVID if  
15 he were not in the kinds of crowded conditions that are present  
16 in Milan as a pretrial detainee, and that is a consideration  
17 that this Court takes into account. And that is information  
18 that was not known at the time of the initial bail hearing.

19 He has also served a substantial percentage of the  
20 sentence that this Court might impose on him. Mr. Moon has  
21 said that the government may be asking for time in excess of  
22 the guidelines that have been calculated. And I don't know  
23 that these are correct calculations, but Mr. Bellamy from our  
24 probation department has come up with calculations that agree  
25 with those of the government, at least at this moment in time,

1 and those guidelines are 51 to 63 months.

2 Mr. Densemo says that that works out to be 85 percent.  
3 With the 41 months that he's already served, he has served 85  
4 percent of what would be a five-year sentence in that guideline  
5 range. And with good time credit that he may be entitled to  
6 under the First Step Act, he may even be eligible for release.  
7 If not right now, but released sooner. And so we have here  
8 someone who has not been convicted of a crime. The government  
9 has substantial evidence that the crimes he's charged with have  
10 been committed, but there has been no conviction here.

11 Another thing that the Court believes is a compelling  
12 reason under 3142(f) is that with this pretrial detention,  
13 Mr. Ramadan has not had the benefit of any programs that  
14 someone who has been convicted of a crime would have had the  
15 benefit of. And we incarcerate people for punitive reasons.  
16 We also incarcerate them hopefully for rehabilitative reasons  
17 and that's why these programs have been developed. And  
18 Mr. Ramadan has not had the benefit of any of those things and  
19 it's very concerning to the Court that he may be near the end  
20 of a sentence that I would impose on him and he has not enjoyed  
21 any of those programs.

22 One of the factors under 3142(f) is that it is  
23 necessary -- release is necessary for the person to be able to  
24 assist in the preparation of a person's defense. I have no  
25 reason to doubt that Mr. Moon, in fact, received the



1 information that he conveyed to the Court. And I have no  
2 reason to doubt that as an officer of the court that  
3 Mr. Densemo is telling us about the access problems that he has  
4 had in meeting with his client. And it's not just  
5 Mr. Ramadan's access within the prison facility to the  
6 information, it sounds like he has had that access, but access  
7 to his attorney to consider the issues that are still on this  
8 table. If that has been compromised because of COVID, because  
9 of lockdowns, because of systems that are in place that are  
10 supposed to work but are not working, the Court does believe  
11 that that would be a factor under 3142(f) to allow for his  
12 temporary release.

13 We also have found out -- and this was not something  
14 that was presented to the Court before. And I know that there  
15 have been courts that have said where inmates are being  
16 released to family members, that may constitute an appropriate  
17 person and a compelling reason as well for the release of the  
18 defendant. We have here a sister who is on the line who has  
19 agreed to be a third-party custodian for Mr. Ramadan and that  
20 was not presented to the Court before.

21 So I know that the lawyers have talked about a number  
22 of other things that are appropriately a part of this record.  
23 I don't believe that it's necessary for me to get to those  
24 things, the things that I have just placed in the record are  
25 sufficient under 3142(g) and sufficient under 3142(f) to allow

1 for Mr. Ramadan's release.

2 I do hope that Mr. Ramadan, having already contracted  
3 COVID and knowing the seriousness of this, is going to take the  
4 conditions that the Court sets on him very, very seriously and  
5 make certain that he isn't exposing himself again or  
6 potentially exposing other people by not abiding by the  
7 conditions. One of which is going to include his house arrest.

8 Ms. Trevino, I did ask you to take a look at potential  
9 conditions that we could set. Did you send those to me? Do I  
10 have them now?

11 MS. TREVINO: Yes, Your Honor, Patricia Trevino from  
12 Pretrial Services. Maureen Shock, supervisor, E-mailed those  
13 to you.

14 THE COURT: Okay. All right. Thank you. I'll take a  
15 look at them.

16 Ms. Ramadan, is it Ramadan as well who is on the line,  
17 the sister?

18 THE COURT: Does your sister speak English?

19 MS. RAMADAN: This is her. I'm speaking, Your  
20 Honor.

21 THE COURT: Okay.

22 MS. RAMADAN: Asma Ramadan.

23 THE COURT: Could you --

24 MS. RAMADAN: First name ...

25 THE COURT: Go ahead.

1 MS. RAMADAN: First name is A-s-m-a. Last name  
2 exactly like Yousef, R-a-m-a-d-a-n.

3 THE COURT: All right. Ms. Ramadan, I think you had a  
4 conversation the other day with Ms. Lara Catrell from the court  
5 about you potentially being a third-party custodian for your  
6 brother.

7 MS. RAMADAN: Yes, Your Honor.

8 THE COURT: And I hope you understand the importance  
9 of the role that you have assumed to undertake and the duty  
10 that you have as a third-party custodian. Which is, number  
11 one, he's going to be in your home. He's going to be under  
12 house arrest. He's going to be on a tether. There are  
13 conditions that you will be aware of that he must abide by and  
14 it's going to be your responsibility to make sure he does that.  
15 Do you understand?

16 MS. RAMADAN: Yes, Your Honor.

17 THE COURT: And it's also going to be your  
18 responsibility to let whoever is going to be supervising him  
19 know immediately if there are any conditions that the Court  
20 sets that your brother doesn't abide by. Do you understand  
21 that?

22 MS. RAMADAN: Yes, Your Honor.

23 THE COURT: And are you going to be able to do that?

24 MS. RAMADAN: Yes, Your Honor.

25 THE COURT: I just want to get to these conditions so

1 that we've made a complete record. One moment.

2 You said Maureen sent them to me -- there we go. One  
3 minute.

4 These are the conditions, Ms. Ramadan and Mr. Ramadan,  
5 and I want to make sure that I have your agreement on these  
6 conditions. Number one, you cannot violate any federal, state  
7 or local law during the period of time that you are on release.  
8 You have to cooperate in the collection of a DNA sample. You  
9 have to notify the Court or your supervising officer in writing  
10 before you make any change of your residence or change in a  
11 telephone number. You must appear for any court proceeding as  
12 required and if there is an additional sentence to be imposed  
13 on you, you must surrender to serve that sentence.

14 You will be given -- you will be notified of when your  
15 next appearance will be. We don't quite know what that is  
16 given this fluid situation with COVID.

17 You are going to be in the custody of Asma Ramadan.

18 Your name is going to be as part of these papers,  
19 Ms. Ramadan, and you will sign a separate third-party  
20 agreement.

21 You will have certain reporting requirements,  
22 Mr. Ramadan, and you have to abide by that. You have to  
23 surrender your passport to Pretrial Services --

24 MS. RAMADAN: Your Honor?

25 THE COURT: Yes, ma'am?

1 MS. RAMADAN: Are these conditions for me?

2 THE COURT: They are conditions for your brother, but  
3 you have to be aware of them so that you can make certain he  
4 does them.

5 MS. RAMADAN: Okay.

6 THE COURT: You have to surrender your passport and  
7 you are to not obtain any other passport or other international  
8 travel documents. You do have another passport, Mr. Ramadan?  
9 You have dual citizenship?

10 MS. RAMADAN: Are you talking to me?

11 THE DEFENDANT: Is she talking to me? I believe so.

12 THE COURT: Yes, I am.

13 THE DEFENDANT: All of my passports the government  
14 took them from me in the airport. And all my -- even my  
15 documents, I believe they still have it. But I do have the  
16 Sicilian (ph) citizenship and United States citizenship.

17 THE COURT: Okay. All right. Your travel is going to  
18 be -- you can put yourself back on mute.

19 THE DEFENDANT: (Complies.)

20 THE COURT: Your travel is restricted to the Eastern  
21 District of Michigan and you are not to possess a firearm, a  
22 destructive device or any other dangerous weapon. You also are  
23 ordered to participate in home incarceration and you are  
24 restricted to 24-hour a day lockdown except for medical  
25 necessities and court appearances or other activities that are

1 specifically approved by the Court. You will have a tether  
2 attached to you and you must submit to have that attached.

3 Ms. Trevino, you can remove the payment requirement.

4 And then finally I think it's -- we've already said  
5 it. But you can't change your address, but you also must  
6 reside with your sister unless you're given permission to  
7 reside otherwise.

8 So, counsel, those are the conditions. Mr. Moon, I  
9 know you don't agree with the release, but is there any other  
10 condition that you believe the Court should impose?

11 MR. MOON: As for conditions, Your Honor, we ask that  
12 Mr. Ramadan and his family or through his family be prohibited  
13 from contacting any of the witnesses in this case. Either in  
14 person, via phone, E-mail, text, by a family member. You know,  
15 no contact with any witnesses in anyway, please.

16 THE COURT: Okay. All right.

17 MS. TREVINO: Your Honor, this is Patricia Trevino  
18 from pretrial services. May I address the Court?

19 THE COURT: You may.

20 MS. TREVINO: On the record -- and you may have said  
21 this. I was writing things down.

22 Did the condition of not obtaining a passport or other  
23 international travel documents, was that added on the record?

24 THE COURT: It was.

25 MS. TREVINO: Okay. Thank you.

1           THE COURT: Let me just go back. You must surrender  
2 any passport and not obtain a passport or other international  
3 travel documents.

4           MS. TREVINO: Thank you, Your Honor.

5           THE COURT: Mr. Moon, that's your addition?

6           MR. MOON: Yes, Your Honor.

7           THE COURT: All right. Thank you.

8           Mr. Densemö?

9           MR. DENSEMO: Your Honor, we would like a witness list  
10 so that I can give that to Mr. Ramadan so he will know who he's  
11 not to contact.

12          THE COURT: All right. That's fair.

13          You can do that, Mr. Moon?

14          MR. MOON: Yes, Your Honor.

15          MR. DENSEMO: And, Your Honor, I'd like the Court to  
16 consider home detention versus home incarceration. And the  
17 reason for that is that if Mr. Ramadan wants to come and see  
18 me, I believe that we would need a stipulated order between  
19 Mr. Salzenstein and Mr. Moon and I. So there would have to be  
20 constant court authority for Mr. Ramadan to even leave his home  
21 for any reason. At least that's my understanding with my other  
22 client that's on home incarceration. Every time he has to go  
23 to a medical appointment, I have to call the U.S. attorney to  
24 get a stipulation for him to be allowed to do so for any  
25 purposes like that and it just becomes really cumbersome as

1 opposed to allowing home detention and then the individual can  
2 just provide the information to pretrial and pretrial can give  
3 the individual the authorization to go to medical appointments,  
4 religious services, grocery shopping, things like that.

5 THE COURT: I just want to go back and look at how  
6 this is worded. It isn't my intention to require that there be  
7 a stipulation every time, but let me see what this says.

8 MR. DENSEMO: Patty, I think you can talk to that. Am  
9 I correct in that or am I incorrect?

10 THE COURT: It says, "You are restricted except for  
11 medical necessities and court appearances or other activities  
12 specifically approved by the court."

13 So medical, court appearances, I don't think that  
14 requires a stipulation from the government.

15 But, Ms. Trevino, how does this typically work?

16 MS. TREVINO: Typically, they are on restricted  
17 24-hour lockdown to their home. Except for those reasons when  
18 someone has to see their attorney, they will contact pretrial  
19 services, U.S. Attorneys and it gets entered into a court  
20 order. I ...

21 MR. DENSEMO: I think home incarceration serves the  
22 same purpose, Your Honor. It just eliminates the necessity of  
23 the Court intervention. The U.S. Attorneys and the attorneys  
24 and the Court having to enter an order. At least that's my  
25 understanding.



1 I think Patty can still maintain the same level of  
2 supervision and restrictions through home detention, it's just  
3 that we wouldn't have to constantly be -- I wouldn't have to  
4 constantly call Hank or Doug to get a stipulation for him to go  
5 to go someplace.

6 MR. MOON: Your Honor, from the government's position,  
7 we have no objection. If Ms. Trevino knows that he's going to  
8 visit his attorneys, the government doesn't need to be involved  
9 in that conversation.

10 THE COURT: Okay. All right. I'm going to leave it  
11 at home incarceration. It's not my intention that the  
12 government stipulate to these exceptions.

13 Mr. Densemo, right now it says for medical necessities  
14 and court appearances. We can add in there attorney visits and  
15 I think it's just a matter of notification.

16 MR. DENSEMO: That's fine.

17 THE COURT: From Mr. Ramadan to pretrial services.

18 MR. DENSEMO: That's fine. That's fine, Your Honor.

19 THE COURT: All right.

20 MS. TREVINO: Yes. Everything will have to be  
21 approved, if he leaves his home, from the pretrial services  
22 officer.

23 MR. DENSEMO: That's fine.

24 THE COURT: Okay. All right. Is there anything more  
25 that anyone has before we close the record?

1 MS. TREVINO: Your Honor, would you like us to place  
2 the tether on him at Milan before he is -- or as he is  
3 released?

4 THE COURT: That would probably make the most sense.  
5 Somebody can do it at Milan?

6 MS. TREVINO: Yes. We can make arrangements for an  
7 officer to go out there and I would just want the record to  
8 reflect that he cannot be released unless we're there to place  
9 the tether on him.

10 THE COURT: Okay.

11 MR. MOON: Your Honor, two quick issues. One, just  
12 for clarity, is this a temporary release and if so, is there an  
13 end to that release or is this a permanent release?

14 THE COURT: Well, the wording of that statute says  
15 temporary detention. I am -- I don't have an end date for that  
16 at this point in time. I think that, you know, perhaps we can  
17 revisit it when the parties have come to the court and said  
18 that you maybe want to put a plea on the record. But I don't  
19 have an end date right now because things are just too fluid.

20 If anything happens, if Mr. Ramadan doesn't abide by  
21 anything, that will, of course, end it immediately. But we'll  
22 see.

23 MR. MOON: And then second, Your Honor, we would ask  
24 that the Court stay this order for one week so the United  
25 States can decide whether to appeal.

1 THE COURT: Okay. I deny that request.

2 MR. MOON: Thank you, Your Honor. Nothing further  
3 from the United States.

4 THE COURT: Okay.

5 MS. TREVINO: And, Your Honor, we're going to  
6 coordinate with the Marshals Service in Milan. I'm not sure  
7 how long it will take to -- we'll try to get that done today,  
8 but it may not get done until tomorrow. I'm not sure because  
9 we haven't had a case such as this case at the detention  
10 center, but we will keep the Court and Mr. Densemo and the  
11 government apprised of how long that's going to take.

12 THE COURT: Okay. All right. Thank you.

13 Anything more?

14 MR. DENSEMO: There's no way that you guys can meet  
15 him at his house and put the tether on today?

16 MS. TREVINO: We could do that. It will be up to the  
17 judge. We do it at the facilities when they're released and we  
18 also have done it at their home. That's completely up to the  
19 Court. We will not know from the time he's released to the  
20 time he gets home where his whereabouts are without the GPS  
21 tether.

22 MR. DENSEMO: I think Ms. Ramadan will pick him up as  
23 his third-party custodian and be with him at her home  
24 throughout the balance of the day.

25 Am I right about that, Asma?

1 MS. RAMADAN: I'm sorry, Andrew. Can you repeat what  
2 you said, please.

3 MR. DENSEMO: You will pick him up at the facility and  
4 take him right to your home and he will be there for the  
5 balance of the day waiting for pretrial?

6 MS. RAMADAN: Yes. Also, I would like to know when is  
7 the day to pick him up.

8 MR. DENSEMO: That would be today if the judge allows  
9 it.

10 THE COURT: Two questions? Is Milan -- can he be  
11 released that quickly and, Ms. Ramadan, are you able to get him  
12 today?

13 MS. RAMADAN: I live about 20 minutes away. It's  
14 snowing right now. So it's about 25 minutes away from Milan.  
15 It's not that far.

16 THE COURT: Okay.

17 MR. DENSEMO: And it's my understanding, Your Honor,  
18 that Mr. Ramadan, he doesn't have any holds or warrants or  
19 anything like that. So he could be released within the hour.

20 MS. TREVINO: And Your Honor, I do have an officer in  
21 the field within the Ann Arbor area that I put on notice that  
22 if you ordered him to be placed on tether at Milan, he can do  
23 that.

24 THE COURT: Okay. All right. So if he can get there  
25 to Milan, let's get it on. And then you can coordinate the

1 time that Ms. Ramadan needs to arrive there, but it sounds like  
2 it could happen.

3 Your officer is able to get to Milan pretty swiftly,  
4 Ms. Trevino?

5 MS. TREVINO: Yes. We already had someone ready just  
6 in case a release order was implemented and I will call him on  
7 the phone to give him details and we'll get the paperwork to  
8 the third-party custodian to get signed, the bond paperwork for  
9 Mr. Ramadan to sign and we'll contact the marshals and Milan to  
10 see how quickly or what time we can get that done.

11 THE COURT: Okay. All right. Thank you.

12 Is there anything more?

13 MR. DENSEMO: No, Your Honor.

14 THE COURT: No. Okay. All right. Thank you everyone  
15 and this hearing is adjourned.

16 (At 12:21 p.m., matter concluded.)

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C E R T I F I C A T E

I, Darlene K. May, Official Court Reporter for the United States District Court, Eastern District of Michigan, do hereby certify that the foregoing is a true and correct transcript, to the best of my ability, from the record of proceedings in the above-entitled matter. I further certify that the transcript fees and format comply with those prescribed by the Court and the Judicial Conference of the United States.

January 16, 2021  
Date

/s/ Darlene K. May  
Darlene K. May, CSR, RPR, CRR, RMR  
Federal Official Court Reporter  
Michigan License No. 6479